

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: COMPLAINT OF HORN MEMORIAL HOSPITAL	DOCKET NO. FCU-2014-0014
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**ORDER SETTING SECOND TELEPHONE PREHEARING CONFERENCE AND
DEFERRING RULING ON MOTION TO CONSOLIDATE AND/OR STAY**

(Issued October 16, 2015)

On October 15, 2015, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed a response to the order issued September 21, 2015, that required the parties to file a status report by October 15, 2015. The Consumer Advocate states that to its knowledge, Horn Memorial Hospital (the hospital) has not had any additional call completion problems, and if it does, the Consumer Advocate will file a supplemental report.

The parties are not available for a telephone prehearing conference in this case until January 5 and 6, 2016. The parties have not been able to reach a settlement of the case. Therefore, the Consumer Advocate recommends the following briefing schedule be established: a) the Consumer Advocate will file its initial brief 60 days after the prehearing conference; b) Frontier Communications of Iowa, Inc. (Frontier), Impact Telecom, Inc. (Impact), Level 3 Communications, LLC (Level 3), Long Lines Metro, Inc. (Long Lines), Iowa Network Services (INS), and the hospital may, but are not required, to file their reply briefs 60 days after the

Consumer Advocate's initial brief; and c) the Consumer Advocate will file a rebuttal brief 30 days after the reply briefs are filed. Frontier does not object to this proposed briefing schedule. Impact does not agree with the proposed briefing schedule and filed a request for consolidation and/or a stay. Level 3 does not object to the proposed briefing schedule, but also does not oppose a stay. The Consumer Advocate has not confirmed whether the hospital, Long Lines, and INS object to the proposed briefing schedule.

On October 15, 2015, Impact filed a status report and motion to consolidate and/or stay. In its status report, Impact provided information regarding the call completion complaint filed by the hospital on June 6, 2014, and the subsequent investigation into what caused the problem. Impact states it understands the Utilities Board's (Board's) concerns with respect to rural call completion issues. However, it states, the calls at issue in this case happened prior to recent Federal Communication Commission (FCC) guidelines regarding rural call completion. Impact states since the FCC issued its guidelines, Impact has implemented all the FCC requirements, including: a) Safe Harbor routing for all customers where Impact makes the initial route decision for long distance traffic; b) quarterly rural call completion reporting; c) industry-wide panel discussions; d) and voluntary participation in the Joint National Rural Call Testing Process. In addition, Impact states, it continues to be an advocate for quality completion and has offered its

expertise to the Consumer Advocate for purposes of helping to form guidelines for rural call completion in the state of Iowa and other states.

Impact states its understanding that the hospital has not experienced any additional call completion issues. Therefore, argues Impact, a procedural schedule is not needed in this case, and this case should be handled like the other call completion cases in front of the Board. Impact notes its involvement in another similar case, Board Docket No. FCU-2013-0005, *In re Hancock County Health Systems (Hancock)*. Impact notes that in the *Hancock* case, the undersigned administrative law judge indicated the Board might consider a Notice of Inquiry proceeding that could lead to the adoption of rules prescribing procedures designed to address rural call completion issues in Iowa. Impact states the parties in the *Hancock* case have urged the undersigned to stay the case until the Board decides whether it wishes to adopt rules regarding rural call completion. Impact argues that since no new rural call completion complaints have been filed for some time, this case should be consolidated with the *Hancock* case and/or stayed until the Board decides whether to initiate a Notice of Inquiry proceeding.

A telephone prehearing conference is needed to discuss the appropriate procedure and procedural schedule for the case, including the Consumer Advocate's proposed briefing schedule; whether Impact's motion to consolidate and/or stay should be granted; and whether the hospital has experienced any call completion problems since the date of this order. Since evidence has not yet been filed in this

case, other than through the informal complaint process, it is unclear why the Consumer Advocate proposes a briefing schedule at this time. This will also be discussed at the prehearing conference.

IT IS THEREFORE ORDERED:

1. A telephone prehearing conference to discuss the topics listed in the body of this order will be held at 2 p.m. Central Time on Wednesday, January 6, 2016. The parties must dial 1-866-685-1580, followed by conference code number 2816326#, to access the prehearing conference.

2. A ruling on the "Status Report and Motion to Consolidate and/or Stay," filed by Impact Telecom, Inc., on October 15, 2015, is deferred until after the telephone prehearing conference is held.

UTILITIES BOARD

/s/ Amy L. Christensen

Amy L. Christensen
Administrative Law Judge

ATTEST:

/s/ Trisha M. Quijano

Executive Secretary, Designee

Dated at Des Moines, Iowa, this 16th day of October 2015.